

SECOND REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 1117**  
**93RD GENERAL ASSEMBLY**

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Reported from the Committee on Aging, Families, Mental and Public Health, March 15, 2006, with recommendation that the Senate Committee Substitute do pass and be placed on the Consent Calendar.

TERRY L. SPIELER, Secretary.

5379S.02C

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**AN ACT**

To repeal sections 208.784 and 208.792, RSMo, and to enact in lieu thereof two new sections relating to the Missouri Rx plan advisory commission.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Sections 208.784 and 208.792, RSMo, are repealed and two new  
2 sections enacted in lieu thereof, to be known as sections 208.784 and 208.792, to  
3 read as follows:

208.784. 1. The program shall coordinate prescription drug coverage with  
2 the Medicare Part D prescription drug benefit, including related supplies as  
3 determined by the department, who:

4 (1) Is a resident of the state of Missouri and is either:

5 (a) Sixty-five years of age or older; or

6 (b) Is disabled and receiving a Social Security benefit and is enrolled in  
7 the Medicare program;

8 (2) Is enrolled in a Medicare Part D drug plan;

9 (3) [Is not a member of a Medicare Advantage Plan that provides a  
10 prescription drug benefit;

11 (4)] Is not a member of a retirement plan that is receiving a benefit under  
12 the Medicare Prescription Drug, Improvement and Modernization Act of 2003,  
13 P.L. 108-173.

14 2. The department shall give initial enrollment priority to the Medicaid  
15 dual eligible population. A second enrollment priority will be afforded to  
16 Medicare-eligible applicants with annual household incomes at or below one  
17 hundred fifty percent of the federal poverty guidelines who also meet the asset  
18 test. Medicaid dual eligible persons may be automatically enrolled into the  
19 program, as long as they may opt out of the program if they so choose. The

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

20 department shall determine the procedures for automatic enrollment in, and  
21 election out of, the Missouri Rx plan. Applicants meeting the eligibility  
22 requirements set forth in this section may begin enrolling in the program as  
23 determined by the department.

24 3. An individual or married couple who meet the eligibility requirements  
25 in subsection 1 of this section and who are not Medicaid dual eligible persons may  
26 apply for enrollment in the program by submitting an application to the  
27 department, or the department's designee, that attests to the age, residence,  
28 household income, and liquid assets of the individual or couple.

208.792. 1. There is hereby established the "Missouri Rx Plan Advisory  
2 Commission" within the department of [health and senior] **social** services[,  
3 division of senior services and regulation] to provide advice on the benefit design  
4 and operational policy of the Missouri Rx plan established in sections 208.782 to  
5 208.798. The commission shall consist of the following fifteen members:

6 (1) The lieutenant governor, in his or her capacity as advocate for [the  
7 elderly] **senior citizens**;

8 (2) Two members of the senate, with one member from the majority party  
9 appointed by the president pro tem of the senate and one member of the minority  
10 party appointed by the president pro tem of the senate with the concurrence of  
11 the minority floor leader of the senate;

12 (3) Two members of the house of representatives, with one member from  
13 the majority party appointed by the speaker of the house of representatives and  
14 one member of the minority party appointed by the speaker of the house of  
15 representatives with the concurrence of the minority floor leader of the house of  
16 representatives;

17 (4) The director of the division of medical services in the department of  
18 social services;

19 (5) The director of the division of senior **and disability** services [and  
20 regulation] in the department of health and senior services;

21 (6) The chairperson of the governor's commission on special health,  
22 psychological and social needs of minority older individuals;

23 (7) The following four members appointed by the governor, with the advice  
24 and consent of the senate:

25 (a) A licensed pharmacist;

26 (b) A licensed physician;

27 (c) A representative from a senior advocacy group; and

28 (d) A representative from an area agency on aging;

29 (8) A representative from the pharmaceutical manufacturers industry as  
30 a nonvoting member appointed by the president pro tem of the senate and the  
31 speaker of the house of representatives;

32 (9) One public member appointed by the president pro tem of the senate;  
33 and

34 (10) One public member appointed by the speaker of the house of  
35 representatives.

36 In making the initial appointment to the committee, the governor, president pro  
37 tem, and speaker shall stagger the terms of the appointees so that four members  
38 serve initial terms of two years, four members serve initial terms of three years,  
39 four members serve initial terms of four years, and one member serves an initial  
40 term of one year. All members appointed thereafter shall serve three-year terms.  
41 All members shall be eligible for reappointment. The commission shall elect a  
42 chair and may employ an executive director and such professional, clerical, and  
43 research personnel as may be necessary to assist in the performance of the  
44 commission's duties.

45 2. Recognizing the unique medical needs of the senior African-American  
46 population, the president pro tem of the senate, speaker of the house of  
47 representatives, and governor will collaborate to ensure that there is adequate  
48 minority representation among legislative members and other members of the  
49 commission.

50 3. The commission:

51 (1) May provide advice on guidelines, policies, and procedures necessary  
52 to establish the Missouri Rx plan;

53 (2) Shall educate Missouri residents on quality prescription drug  
54 programs and cost-containment strategies in medication therapy;

55 (3) Shall assist Missouri residents in enrolling or accessing prescription  
56 drug assistance programs for which they are eligible; and

57 (4) Shall hold quarterly meetings and other meetings as deemed  
58 necessary.

59 4. The members of the commission shall receive no compensation for their  
60 service on the commission, but shall be reimbursed for ordinary and necessary  
61 expenses incurred in the performance of their duties as a member of the  
62 commission.

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